ATTACHMENT J

POST-CLOSURE PLAN

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POST-CLOSURE PLAN

Introduction

This Permit Attachment contains the Post-Closure Plan, which describes activities required to maintain the Waste Isolation Pilot Plant (**WIPP**) after completion of facility closure. Since the current plans for operations extend over several decades, the Permittees will periodically reapply for an operating permit in accordance with Title 20 of the New Mexico Administrative Code, Chapter 4, Part 1 (**20.4.1 NMAC**), Subpart 900 (incorporating 40 CFR §270.10(h)).

This plan was submitted to the New Mexico Environment Department (**NMED**) in accordance with 20.4.1.900 NMAC (incorporating 40 CFR §270.14(b)(13)) and the U.S. Environmental Protection Agency (**EPA**). The Post-Closure Plan includes the implementation of institutional controls to limit access and groundwater monitoring to assess disposal system performance. Until final closure is complete and has been certified in accordance with 20.4.1.500 NMAC (incorporating 40 CFR §264.115), a copy of the approved Post-Closure Plan and all approved revisions will be on file at the WIPP facility and will be available to the Secretary of the NMED or the EPA Region VI Administrator upon request.

J-1 Post-Closure Plan

The post-closure care period begins after completion of closure of the first underground hazardous waste disposal unit (**HWDU**) and continues for thirty (30) years after final closure of the facility. The post-closure care period may be shortened or lengthened by the Secretary of the NMED, based on evidence that human health and the environment are being protected or are at risk. During the post-closure period, the WIPP shall be maintained in a manner that complies with the environmental performance standards applicable to the facility. During this period, the Permittees will employ active institutional controls as necessary.

This post-closure plan focuses on activities following final facility closure. However, some discussion of post-closure following panel closure is warranted since some panel closures will occur long before final facility closure. As discussed in Attachment I (Closure Plan), Section I-1e(1), panel closures have been designed to require no post-closure maintenance. The Permittees have defined a post-closure care program for closed panels that has three aspects. These are routine inspection of the openings in the vicinity of the closures, the sampling of ventilation air for harmful constituents, and a Confirmatory Volatile Organic Compound Monitoring Program. The rules of the Mine Safety Health Administration drive the implementation of the first two programs. These rules require that underground mines monitor air quality to assure good breathing air whenever personnel are underground and that mine operators provide safe ground conditions for personnel in areas that require access. Routine monitoring of the openings in the access ways to panels will be continued and these openings will be maintained for as long as access into them is needed. This includes continued reading of installed geomechanical instrumentation, sounding the areas, visual inspection and maintenance activities such as scaling, mining, or bolting as required and as described in

Permit Attachment M2. In addition, all areas in the underground that are occupied by personnel are checked prior to each day's work activities for accumulations of harmful gases, including methane. Action levels for increasing ventilation to areas that show high levels of harmful gases are specified as described in Permit Attachment F.

These monitoring programs will be carried out during the period between the closure of the first panel and the initiation of final facility closure for the underground facility. The Permittees have prepared a Confirmatory Volatile Organic Compound Monitoring Plan (**CVOCMP**) which will be implemented to confirm that the annual average concentration of volatile organic compounds (**VOCs**) in the air emissions from the underground HWDUs do not exceed the VOC concentrations of concern listed in Module IV and Permit Attachment N, Table N-3.1. The CVOCMP is provided in Attachment N. The CVOCMP includes monitoring design, sampling and analysis procedures and quality assurance objectives. This plan is required to demonstrate compliance with 20.4.1.500 and .900 NMAC (incorporating 40 CFR §264.602 and §270.23(a)(2)).

The Permittees will collect air samples upstream of all open and closed panels, and down stream of Panel 1 beginning just prior to waste emplacement and proceeding until after certification of the closure of the last underground HWDU.

The CVOCMP uses EPA Compendium Method TO-14. The Permittees have had success with TO-14 at the WIPP if care is taken in placing the sampler to avoid high dust and if stringent cleaning requirements are imposed for the clean canisters. This is necessary because of the extremely low concentrations that are being monitored. The Permittees are evaluating the use of the Fourier Transform Infra-Red (**FTIR**) technique for monitoring VOCs at WIPP. This method is being used successfully at other locations and has recently been approved by the EPA for measuring the concentration of VOCs in the headspace gases of drums of TRU waste. If FTIR becomes viable, the monitoring plan will be revised and the revisions will be submitted to the NMED for approval prior to implementation.

The CVOCMP will be implemented under a Quality Assurance Plan that conforms to the document entitled "EPA Requirements for Quality Assurance Project Plans for Environmental Data Operations". Quality Assurance criteria required for the target analytes are presented in Table N-4 in Permit Attachment N. Definitions of these criteria are given in Permit Attachment N along with a discussion of other requirements of the Quality Assurance Program including sample handling, calibration, analytical procedures, data reduction, validation and reporting, performance and system audits, preventive maintenance, and corrective actions.

J-1a Post-Closure Plan after Final Facility Closure

A number of regulations deal with the period of time that begins once the WIPP has undergone final facility closure and decommissioning. Under 40 CFR Part 191, the period consists of an active control period and a passive control period; only one hundred (100) years of the active control period can be used in performance assessment. The Land Withdrawal Act (LWA) of 1992 requires that the Department of Energy (DOE) prepare and submit a post-decommissioning land management plan. 20.4.1.500 NMAC (incorporating 40 CFR §264.117) requires post-closure care, including monitoring, security, and control of property use. Because

of the numerous regulations, the Permittees have prepared a single strategy for post-closure management of the WIPP. This strategy consists of three elements: 1) active controls, 2) monitoring, and 3) passive controls. Only the first and second elements occur within the post-closure period covered by this permit.

J-1a(1) Active Institutional Controls

Once a facility is decommissioned, positive actions (referred to as "active institutional controls") will be taken to assure proper maintenance and monitoring. The EPA, in 40 CFR §191.14(a) has specified that active controls will be maintained for as long as practicable and that no more than one hundred (100) years of active institutional control can be assumed in predictions of long-term performance. This assumption assures that future protection and control does not rely on positive actions by future generations.

The Permittees' active institutional control program has a primary objective of addressing all applicable requirements, including restoring the WIPP site as nearly as possible to its original condition, and thereby equalizing any preference over other areas for development by humans in the future. Restoration of the WIPP site includes any necessary remedial actions or cleanup of releases resulting from decommissioning. In addition, as part of the active institutional control program implemented under 40 CFR §194.14(a), the Permittees will implement monitoring systems suitable for assessing disposal system performance if such monitoring is feasible.

The Permittees will implement the active institutional control program as described in more detail below:

Identification of Active Institutional Control Measures

A detailed explanation of the active institutional controls selected by the Permittees as part of this first step is provided in Permit Attachment J1 (WIPP Active Institutional Controls). This is the Permittees' reference design for active institutional controls. The reference design will be reviewed periodically and updated by the Permittees as appropriate during WIPP disposal operations. The ongoing review and evaluation ensure that the active institutional controls implemented are appropriate for the conditions that may exist at that time. The Permittees will review the reference design prior to implementation and all affected regulatory agencies will be consulted as part of this review. If updating the reference design proposes any changes in the Post-Closure Plan as described in this permit, the Permittees shall apply for a permit modification to include those changes, or submit the reference design and revised Post-Closure Plan as part of a routine permit renewal application, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.118(d)).

As part of the active institutional controls program, the Permittees have developed a set of active institutional controls which will be implemented. These are as follows:

- A fence line shall be established to control access to the repository's footprint area (the waste disposal area projected to the surface). A standard wire fence shall be erected along the perimeter of the repository surface footprint. The fence shall have gates placed approximately midway along each of the four sides.

- An unpaved roadway along the perimeter of the barbed wire fence shall be constructed to provide ready vehicle access to any point around the fenced perimeter, to facilitate inspection and maintenance of the fence line, and to permit visual observation of the repository footprint to the extent permitted by the lay of the land. This roadway shall connect to the paved south access road.

- To ensure visual notification, the fence line shall be posted with signs having as a minimum, a legend reading "Danger—Unauthorized Personnel Keep Out" and a warning against entering the area without specific permission of the Permittees.

- Contractual arrangements shall be developed to ensure that periodic inspection and necessary corrective maintenance is conducted on the fence line, its associated warning signs, and the roadway. The Permittees will maintain control over all contractual work and will maintain, in the operating record, the results of all inspections and maintenance activities.

- Through direct Permittee staffing support and/or contractual arrangements, procedures shall be established to provide routine periodic patrols and surveillances of the protected area by personnel trained in security surveillance and investigation.

- Mitigating actions will be taken to address any abnormal conditions[1] identified during periodic surveillance and inspections.

- Reports of activities associated with the post-disposal active access controls shall be prepared in accordance with regulatory requirements for submittal to the appropriate regulatory and legislative authority.

Details on meeting these criteria are found in Permit Attachment J1.

Preparation of a Post-Decommissioning Land Management Plan

Section 13(b) of the LWA requires the DOE to prepare and submit a plan for managing the land withdrawal area after decommissioning the WIPP facility. This plan will include a description of both the active and passive institutional controls that will be imposed after decommissioning is complete. This plan will be prepared in consultation with the Department of Interior and the state of New Mexico. If the land management plan proposes any changes in the Post-Closure Plan as described in this permit, the Permittees shall apply for a permit modification to include those changes, or submit the land management plan and revised Post-Closure Plan as part of a routine permit renewal application, as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.118(d)).

[1] "Abnormal conditions" include any natural or human-caused conditions which could affect the integrity of Active Institutional controls required by the Permit or which could affect compliance of the WIPP with applicable RCRA standards.

Preparation of the Active Institutional Control Plan

An active institutional control plan will be initiated prior to actual plant closure, and will contain all the information needed to implement the active and passive institutional controls for the WIPP facility. Active institutional control planning will be based on the reference design and will take into account the most current information regarding the facility and its vicinity and will make use of state-of-the-art materials and techniques. This plan will include acceptable decontamination levels, sampling and analysis plans, and QA/QC specifications. If such future plan contains provisions different from those in this Post-Closure Plan or Permit Attachment J1 (Active Institutional Controls), the Permittees shall submit a request for modification of the Post-Closure Plan and the WIPP Permit. The changes must be approved and made part of the revised Permit before the changes are implemented, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR §264.118(d)).

Implementation of Active Institutional Control Measures

Most of the active institutional control measures, such as long-term site monitoring and site remedial actions, will be implemented simultaneously with facility closure. However, it may be possible to implement some measures earlier. For example, salt disposal may begin prior to final plant closure. Reclamation and restoration of unused disturbed surface areas has already begun. Guarding and maintenance activities, which are already in place, could evolve into an appropriate type of post-closure activity, subject to appropriate modifications of the Permit.

J-1a(2) Monitoring

Post-closure groundwater monitoring will involve a continuation of the monitoring plan in Permit Attachment L as described in Module V. The sampling frequency may be changed to biannually after final facility closure is complete by modification of the Permit as approved by the Secretary of the NMED in accordance with 20.4.1.901.B NMAC (incorporating 40 CFR §270.42). In addition, the final target analyte list specified in Permit Attachment L may be changed by permit modification based on final volume of waste.

J-2 Notices Required for Disposal Facilities

J-2a Post-Closure Certification

Within sixty (60) days of completion of the post-closure care period after final facility closure, the Permittees will submit to the Secretary of the NMED, via registered mail, a certification that post-closure care was performed in accordance with the specifications of the approved post-closure plan. The certification will be signed by the Permittees and by an independent New Mexico registered professional engineer. Documentation supporting the independent registered engineer's certification and a copy of the certification will be furnished to the Secretary of the NMED.

J-2b Post-Closure Notices

Within sixty (60) days after certification of closure of each underground HWDU or final facility closure, the Permittees will submit to the Secretary of the NMED, and to the Eddy County

government or other applicable local government agencies, a record of the type, location, and quantity of hazardous wastes disposed of in each underground HWDU as required in 20.4.1.500 NMAC (incorporating 40 CFR §264.119).